

REMARKS

Applicants appreciate the thorough examination of the present application as evidenced by the Office Action mailed January 13, 2009 (hereinafter "Office Action"). In response, Applicants have amended independent Claims 1 and 20 to incorporate recitations from dependent Claim 8 to clarify that a spacing is created between two cooperating antenna elements for housing the speaker. Dependent Claim 8 has been canceled without prejudice or disclaimer and various claims have been amended to correct their dependencies in light of the cancellation of dependent Claim 8. Applicants respectfully submit that the cited reference fails to disclose or suggest, at least, the recitations of the independent claims as amended. Therefore, Applicants respectfully submit that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

Claim Objection

Independent Claim 20 stands objected to because of a typographical error in which the word "that" is repeated. (Office Action, page 2). In response, Applicants have amended independent Claim 20 to replace "that that" with "that."

Independent Claims 1 and 20 are Patentable

Independent Claim 1 stands rejected under 35 U.S.C. §102(e) as being anticipated by International Publication No. WO 02/35810 to Nevermann (hereinafter "Nevermann") with reference being made to U. S. Patent Application No. 6,980,157 as the English translation of the Nevermann reference. (Office Action, page 2). Independent Claim 20 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nevermann in view of U. S. Patent No. 6,741,221 to Aisenbrey (hereinafter "Aisenbrey"). (Office Action, page 5). As stated above, independent Claims 1 and 20 have been amended to clarify that that a spacing is created

between the two cooperating antenna elements for housing the speaker. For example, Claim 1 recites, in part:

a sheet of a flexible film having a conductive first portion forming a first antenna element; and

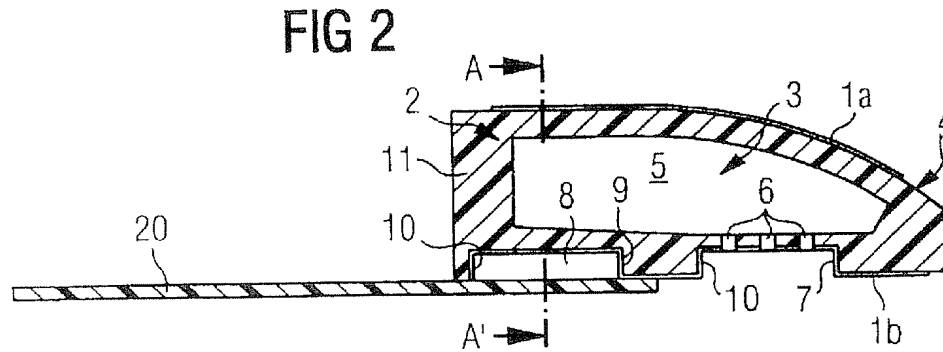
an elongated second portion carrying a conductive lead, the elongated second portion including an inner end that is adjacent to the conductive first portion and an outer end that is connected to a speaker, such that the elongated second portion has a length defined by the inner end and the outer end and extends away from the conductive first portion and the inner end to the speaker and the outer end along at least a portion of the length;

wherein said elongated second portion is bent such that an audio output side of the speaker faces the first portion and that said speaker and said outer end of said elongated second portion are positioned at an aperture in said first portion, and

wherein a support structure carrying a second antenna element is arranged at a predetermined distance from said first antenna element, which two antenna elements form a spacing for housing the speaker. (Emphasis added).

Independent Claim 20 includes similar recitations. As shown in FIGS. 10 and 11, and explained, at least, on page 10, line 29 to page 11, line 9 of the present application, the first portion 31 forming a first antenna element cooperates with a support structure 100 carrying a second antenna element 101, such that a spacing there between is created for housing the speaker 41. The second portion 33 is flexible such that it may be bent to loop back over/under and into the spacing between the first portion 31, i.e. the first antenna element and the second antenna element 101 to position the speaker therein, as shown in FIGS. 9, 10, and 11 of the present invention.

The Office Action alleges that the conducting area 1b corresponds to the flexible film and the conductive first portion as shown in FIG. 2 of Nevermann. (Office Action, pages 2, and 3). For convenience, FIG. 2 of Nevermann is reproduced below:



In rejecting dependent Claim 8, the Office Action on page 4 further alleges that a distance between left end of 1b and a point on 20 may be seen as equaling the distance between the two antenna elements 31 and 101. Independent Claims 1 and 20, however, describe a spacing created by said distance for housing the speaker. As can be seen from FIG. 2 of Nevermann reproduced above, the earpiece/speaker of Nevermann is **not arranged inside the cavity 5/resonant cavity 3 defining the spacing between the two antenna elements 1a and 1b**, but instead is arranged outside the resonant cavity 3 as clearly shown in FIG. 2 reproduced above.

The secondary reference Aisenbrey is merely cited for teaching the use of an insulating material in a flexible film and fails to provide the teachings missing above from Nevermann.

For at least these reasons, Applicants respectfully submit that Claims 1 and 20 are patentable over the cited references and that Claims 2 – 7, 9 – 19, and 21 – 23 are patentable for at least the reason that they depend from an allowable claim.

CONCLUSION

In light of the above amendments and remarks, Applicants respectfully submit that the

In Re: Wedel et al.
Serial No.: 10/544,121
Filing Date: August 2, 2005
Page 10

above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,



D. Scott Moore
Registration No.: 42,011

USPTO Customer No. 54414
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on May 13, 2009.


Kirsten S. Carlos